(73)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.969 of 2007

PETITIONERS Ram Prasad Bangre, aged about 55 years, son of Late Sugan Lal Bangre, occupation – service, Assistant Engineer (E/M) Sub Division P.H.E. Department, Dharampura, Near Sai Mandir, Jagdalpur, resident of Sr. M.I.G. – 7, Housing Board Colony, Bodhghat, Jagdalpur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Department of Public Health Engineering, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Superintending Engineer, (V/Ya) Mandal P.H.E. Department, Raipur (C.G.)
3. Executive Engineer (Vi/Ya) Sub Block, Mandal, P.H.E. Department, Jagdalpur, District Bastar (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Prashant Jaiswal, Senior Advocate with Shri Vinay Pandey, Counsel for the petitioner.
Shri Yashwant Singh, Government Advocate for the State.

ORAL ORDER
(20.09.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

Learned Senior counsel for the petitioner submits that by memo dated 23.1.2007 (Annexure P/9) issued by the Executive Engineer, Public Health Engineering Department, Jagdalpur, it has been proposed to recover a sum of Rs.64,140/- from the petitioner. His submission is that in fact, this amount is not recoverable against the petitioner, because, earlier to this, an enquiry was conducted and it was held in the enquiry that the petitioner is not responsible to pay this amount. He refers to Annexure P/5 dated 25.11.2003. He submits that when the aforesaid memo was received by the petitioner, he filed a detailed representation dated 29.1.2007 (Annexure P/11), but no decision has been taken on the said representation and the same is pending before the concerned authority.

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W.P. (S) No. 969 of 2007

For the time being, learned Sr. Counsel for the petitioner makes a limited prayer that this petition may be disposed of with a direction to the concerned authority to decide the representation filed by the petitioner on 29/1/2007 in reply to the recovery memo issued on 23/1/2007.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the State.

Accordingly, the same is allowed.

It is observed and directed that the if the representation dated 29.1.2007 (Annexure P/11) is not disposed of so far, the same shall be disposed of by the concerned authority as early as possible preferably within a period of 3 months from the date of filing of the certified copy of this order and a copy of the Writ Petition before the concerned authority and the decision taken by them shall be communicated to the petitioner.

However, it shall be up to the petitioner to visit this Court once again, if any grievance is left regarding the aforesaid decision taken by the concerned authority.

With the aforesaid observations, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge